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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,382	04/06/2005	Declan Patrick Kelly	NL 021037	4934
24737 7590 07/24/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER MCLEOD, MARSHALL M				
ART UNIT 2157		PAPER NUMBER		
MAIL DATE 07/24/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,382

Applicant(s)

KELLY ET AL.

Examiner

MARSHALL MCLEOD

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This Office action has been issued in response to amendment filed 18 April 2008. Claims 1 and 3-5 are pending and claim 2 has been cancelled. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are persuasive, as they relate to the claim rejection under 35 U.S.C. 101. As such the examiner withdraws the 35 U.S.C. 101 claim rejection.

Priority

2. Examiner acknowledges applicant's international priority based on the international filing date of 18 September 2003.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamkin et al. (Pub. No US 2002/0078144 A1), hereinafter Lamkin.**

4. With respect to claim 1, Lamkin discloses a method of enhancing multimedia data contained on an information carrier (Page 5, [0103], lines 1-3), said information carrier also containing additional carrier data (Page 5, [0099], lines 1-4), said method comprising the following acts: reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of a recording and/or reproducing device (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), Providing, in an off-line session, the additional data as a function of the user data (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information), updating the user data to reflect a latest off-line action of the user (Page 5, [0095], lines 5-15; i.e. when the user interacts with the content...effects will be reflected in the media sub window); providing, in an on-line session, additional remote data from a remote unit as a function of the user data, the remote unit being connected to the recording and/or reproducing device via a network Page 5, [0095], lines 1-15), and updating the user data to reflect a latest on-line action of the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 5, [0103], lines 1-9 and continued through to [0140], lines 1-6).

5. With respect to claim 3, Lamkin discloses an information carrier comprising multimedia data and additional carrier data for enhancing the multimedia data, said information carrier (Page 5, [0103], lines 1-3) further comprising: means for reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of a recording

and/or reproducing device (20) (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), means for providing, in an off-line session, the carrier additional data as a function of the previous actions of the user (Page 5, [0095], lines 5-15; i.e. ...a new text display giving information), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 5, [0099], lines 1-19), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

6. With respect to claim 4, Lamkin discloses a recording and/or reproducing device (Abstract) adapted to read an information carrier containing multimedia data and additional carrier data for enhancing the multimedia data (Page 5, [0103], lines 1-3), said device comprising: means for reading a user file containing user data defining previous actions of a user (Page 11, [0206], lines 1-6), in a storage unit of the recording and/or reproducing device (Page 12, [0207], lines 1-10; i.e. Storage unit = player hardware), means for providing, in an off-line session, the additional carrier data as a function of the previous actions of the user (Page 5, [0095], lines 5-15; i.e. additional data = ...a new text display giving information), means for providing, in an on-line session, additional remote data from a remote unit as a function of the previous actions of latest actions the user (Page 5, [0099], lines 1-19), and means for updating the user data in the user file as a function of latest actions the user so that a viewing experience

of the user is consistent during both the off-line session and the on-line session and same customization features are provided when the additional carrier data are coming from the information carrier or when the additional remote data are coming from the remote unit (Page 9, [0166], lines 1-9).

7. With respect to claim 5, Lamkin discloses a computer program stored on a computer readable medium, the computer program comprising program instructions for implementing the method of enhancing multimedia data as claimed in claim 1, when said program is executed by a processor (Page 79, Claim 2, lines 1-18).

Response to Arguments

8. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marshall McLeod

Art Unit: 2157

./Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157